INDEX TO VOLUMES 2 AND 3 — 1962 - 1964

The number preceding the colon is the volume number; that following is the page number.

INDEX OF AUTHORS

Acorn, Glen W. 3:367
Agrios, J. N. 2:153; 3:153
Allen, G. H. 3:89; 3:463
Angus, W. H. 2:76
Ballem, John B. 3:349
Bentley, Patrick M. 3:312
Bowker, W. F. 2:41; 3:159; 3:161; 3:197
Braidwood, Darrell T. 3:250
Bredin, E. M. 3:333
Brownlee, A. M. 2:76
Chumir, S. M. 2:153; 3:124
Cioni, Gary G. 3:149
Cook, E. 3:326
Cote, J. E. 2:95; 3:153; 3:262; 3:278
Curran, John F. 3:133
Decore, J. V. 3:153; 3:326
Dickie, W. D. 2:153
Dunlop, C. R. B. 3:63
Field, H. G. 3:89
Foote, E. D. 2:76
Fuller, H. W. A. 3:299
Harradence, A. M. 2:5
Head, Ivan L. 3:182
Helman, S. J. 3:50
Holland, G. A. 3:393
Howard, W. A. 3:89
Hustwick, John A. 3:293
Jenkins, David E. 3:143
Jones, M. E. 3:449
LaBrie, F. E. 3:225
Landman, Helmut 3:306
Lawrence, N. P. 3:153
Laycraft, J. H. 2:76; 3:202
Legg, S. V. 3:326
Lewis, D. E. 3:412
Macdonald, A. F. 2:76
MacDonnell, P. L. 3:89
McCombe, B. G. 2:9
McDermid, N. D. 3:89
McMahon, T. F. 2:95; 2:126
Melnyk, Anton M. S. 2:143
Mirth, E. 3:326
Mis, Walter K. 3:318
Muir, Robert C. 3:359
Neilson, John 2:138
O'Brien, Clifton 2:121
Parker, Graham E. 3:16; 3:205
Powles, Sir Guy 3:164
Redmond, James E. 3:77
Rose, G. H. 3:109
Shandro, Walter 2:113; 3:153
Sherbaniuk, D. J. 2:58
Spier, J. A. 2:95
Steer, G. H. 3:5
Stevenson, W. A. 2:153; 3:326
Stewart, N. J. 2:18; 3:215; 3:424
Tavender, E. D. 2:95
Taylor, V. Milton 3:255
Thompson, A. R. 2:153; 3:117
Warren, W. J. 2:95; 2:133
Wyatt, F. G. 3:326

INDEX TO VOLUMES 2 AND 3 — 1962 - 1964

The number preceding the colon is the volume number; that following is the page number.

INDEX OF AUTHORS

Acorn, Glen W. 3:367
Agrios, J. N. 2:153; 3:153
Allen, G. H. 3:89; 3:463
Angus, W. H. 2:76
Ballem, John B. 3:349
Bentley, Patrick M. 3:312
Bowker, W. F. 2:41; 3:159; 3:161; 3:197
Braidwood, Darrell T. 3:250
Bredin, E. M. 3:333
Brownlee, A. M. 2:76
Chumir, S. M. 2:153; 3:124
Cioni, Gary G. 3:149
Cook, E. 3:326
Cote, J. E. 2:95; 3:153; 3:262; 3:278
Curran, John F. 3:133
Decore, J. V. 3:153; 3:326
Dickie, W. D. 2:153
Dunlop, C. R. B. 3:63
Field, H. G. 3:89
Foote, E. D. 2:76
Fuller, H. W. A. 3:299
Harradence, A. M. 2:5
Head, Ivan L. 3:182
Helman, S. J. 3:50
Holland, G. A. 3:393
Howard, W. A. 3:89
Hustwick, John A. 3:293
Jenkins, David E. 3:143
Jones, M. E. 3:449
LaBrie, F. E. 3:225
Landman, Helmut 3:306
Lawrence, N. P. 3:153
Laycraft, J. H. 2:76; 3:202
Legg, S. V. 3:326
Lewis, D. E. 3:412
Macdonald, A. F. 2:76
MacDonnell, P. L. 3:89
McCombe, B. G. 2:9
McDermid, N. D. 3:89
McMahon, T. F. 2:95; 2:126
Melnyk, Anton M. S. 2:143
Mirth, E. 3:326
Mis, Walter K. 3:318
Muir, Robert C. 3:359
Neilson, John 2:138
O'Brien, Clifton 2:121
Parker, Graham E. 3:16; 3:205
Powles, Sir Guy 3:164
Redmond, James E. 3:77
Rose, G. H. 3:109
Shandro, Walter 2:113; 3:153
Sherbaniuk, D. J. 2:58
Spier, J. A. 2:95
Steer, G. H. 3:5
Stevenson, W. A. 2:153; 3:326
Stewart, N. J. 2:18; 3:215; 3:424
Tavender, E. D. 2:95
Taylor, V. Milton 3:255
Thompson, A. R. 2:153; 3:117
Warren, W. J. 2:95; 2:133
Wyatt, F. G. 3:326

INDEX OF SUBJECT MATTER

Alberta Gas Trunk Line 3:369; 3:393; 3:400
Acceleration, on disclaimer by life tenant 3:330
Account, see Agency.
ADIZ and international law 3:182
Administrative Law, denial of jurisdiction of courts 3:124
Admissibility, see Evidence.
Agency, duty of agent to disclose facts and to account 3:153
Air defence and international law 3:182
Amalgamations, see Merger.

Bailee of auto, theft by, liability of owner 2:113
Bankruptcy, see Insolvency.
Beer bottles, loose, possession of 2:155
Bill of Rights, due process under 3:149
Breach of Trusts, in farm-out agreement 2:153
Britamoil Pipeline 3:393
British North America Act, 1867.
amendment 3:421
cooperation, federal and provincial 3:421
declaratory power, s. 99(10) (c) 3:419
sections 91 and 92 ..... 3:367; 3:393; 3:399
trade and commerce 3:382; 3:390; 3:402

CADIZ and international law 3:182
Capital murder, what constitutes 3:306
Chambers, waiting period in 2:155
Chattel mortgage, as security for land mortgage 3:143
Collusion, in divorce suit, what constitutes 3:328
"Common law marriage", validity of, among Eskimos 2:121
Companies
dividends, withholding taxes 3:454
officers, fiduciary relationships 3:338
management fees, withholding taxes 3:457
Companies Act, the new draft 3:89
Compensation, in expropriation 2:76
Confessions, when admissible ... 2:5; 3:156
Confidential information, misuse of 3:334
Consent of owner of auto, when liability ensues 2:113
Conservation, oil and gas 3:378
Constitutional law
B.N.A. Act, see British North America Act, 1867
case law 3:373; 3:382; 3:395
citizens rights, see Bill of Rights; Ombudsman
Crown, priority of 3:155
Crown, receivership order 3:154
distribution of powers, interest 3:312
distribution of powers, labour relations 2:143
introduction of English law into Canada 3:262; 3:278; 3:411
Mines Ministers Conference 3:423
oil and gas as commodities 3:377
pipelines 3:367; 3:394
pipelines, United States 3:376; 3:384; 3:415
prerogative powers 3:407
reference to courts 3:420
trade and commerce 3:382; 3:402
Constructive trusts 3:342; 3:360
Contract
sale of gas, escalation clauses 3:255
unconscionable 3:312
unjust enrichment 3:293
Contractors, with oil companies misuse of confidential information 3:335; 3:350
Controlled election, doctrine of 3:326
Costs
payment of, in divorce suit, whether collusion 3:328
responsibility of insurer for 2:154; 3:154
Courts, ouster of jurisdiction over workmen's compensation 3:124
Criminal Law
capital murder, what constitutes ... 3:306
impaired driving, proof of 3:329
manslaughter and self-defence 3:16; 3:205
motion for nonsuit 3:327
Crown employee, receivership 3:154
Crown, priority on an insolvency 3:155

Death duties and estate planning 3:225
Depletion allowance
amendments, proposed 3:446
cycling operations 3:437
definition of "resource" 3:433
history 3:425
persons entitled 3:434
processing operations 3:437
U.S. Internal Revenue Code 3:439
Directors, fiduciary duties 3:337
Disclosure, see Agency; Documents.
Distraint for rent by landlord 2:153
Distribution of powers, see Constitutional Law.
Divorce suit, collusion in, what constitutes 3:328
Documents, order to produce 2:155
Drilling credits, disposition under operating agreements 3:356
Due process, under Bill of Rights 3:149

Election, controlled, doctrine of 3:326
English jurisprudence, 1953-1963 ..... 3:50
English law, introduction of into Canada 3:262; 3:278
Equity ,and law, present relation of ... 3:326
Employees, misuse of confidential information 3:336; 3:350
Errors, in Torrens system, see Torrens system.
Escalation clauses, in gas sales contracts 3:255

Farm-out agreement, breach of trust 2:153
Fiduciary relationships
directors 3:337
oil and gas agreements 3:333; 3:347; 3:359
relationships akin thereto 3:359
scope of relationship 3:349
Fogler Case,
mergers 3:464; 3:471; 3:479
Forgery, under Torrens system 3:133

Gas, see Natural Gas; Petroleum and natural gas.
Good faith, operating agreement, sale of gas 3:354
Guarantees, acknowledgment of 2:157

Helium, in the petroleum and natural gas lease 2:9
Home Oil Case, depletion allowance 3:428

Impaired driving, proof of 3:329
Implied obligations 3:361
Income tax
depletion allowance 3:424
estates 3:225
mergers 3:472
petroleum and natural gas industry 2:18; 3:215; 3:424; 3:439; 3:449; 3:472
U.S. Internal Revenue Code
depletion 3:439
witholding taxes 3:449
Insolvency, Crown, priority on 3:155
Insurance, costs, liability of insurer for 2:154
settlement by insurer 3:250
Intention, statement of, as *res gesta* 3:299
Interest, in constitutional law 3:312
International law and air defence 3:182
Interpleader, mortgage proceeds 3:326
Introduction of English Law into Canada 3:262; 3:278

Joint venture
fiduciary obligations 3:339; 3:351
right to information 3:357
Judicature Act, mortgages, security for 3:143
Jurisprudence
English, 1953-1963 ..... 3:63
Scandinavian, legal realism 2:58
Stare decisis 3:156; 3:262; 3:278

Labour relations
legislative power over 2:143
nature of employer-employee relation 2:138
strike, right to 2:138
Landlord and tenant, distraint for rent 2:153
Land titles, see Torrens system.
Law, English, introduction into Canada 3:262; 3:278
Law reform 3:159
Leases, petroleum and natural gas, helium in 2:9
Legal education
Alberta 3:161
course in Land Titles 3:117
Legislation, see Constitutional Law; Statutes
Legislative power, see Constitutional Law
Lessor-lessee, fiduciary obligations 3:350
Life tenant, see Wills
Limitation of actions
in Alberta 2:41; 2:95; 3:159
in tort 2:41
Torrens System 2:133
Liquor, beer, loose bottles, possession of 2:155

MacIntyre, Malcolm Murray 3:161
Maitland, *Equity*, present status 3:5
Manslaughter and self-defence 3:16; 3:205
Marriage
"common law", validity of among Eskimos 2:121
native, validity of 2:121
Marshalling, doctrine of 3:326
Mechanics' liens, application to pipelines 3:373
Mergers
application under s. 128, Companies Act 3:339; 3:466
arrangement 3:468
business losses 3:475
capital cost of depreciable property 3:475
controlled corporations 3:476
exploration and development expenses 3:476
Fogler Case 3:464; 3:471; 3:479
information to shareholders 3:471
inventory treatment 3:474
sale of assets 3:463
statutory amalgamation 3:469
take-over bid 3:465
undistributed income 3:476
Midcon Case, fiduciary obligations, operating agreements— 3:340; 3:347; 3:349; 3:352; 3:363
Migration of English Law 3:262; 3:278
Mines Ministers Conference 3:423
Mortgages
chattel, as security for land mortgages 3:143
forged, under Torrens System 3:133
Murder, capital, what constitutes 3:306

National Energy Board
legislation 3:372
rules of procedure 3:373
Natural Gas
conservation 3:379
export, restrictions on 3:379; 3:381; 3:405
federal statutes 3:381
gas lines 3:413
gas utilities 3:380
prices 3:381
sale of, *Midcon Case* 3:354
United States 3:376; 3:384; 3:415
Negligent statements, liability for 3:318
New Zealand ombudsman 3:164
Nonsuit, in criminal law 3:327

Obituary, Malcolm Murray MacIntyre 3:161
Ombudsman, New Zealand 3:164
Operating agreements, fiduciary obligations 3:340; 3:351; 3:355; 3:363
Options and the perpetuities rule 3:332

Perpetuities rule, options 3:332
Petroleum and natural gas
conservation 3:378
constitutional law 3:377; 3:402
Crown leases 3:406
depletion allowance 3:424
farm-out agreements 2:153
income tax, see Income Tax.
leases, helium in 2:9
operating agreements, fiduciary relationships 3:333
prorationing 3:379

regulation as commodities ... 3:377; 3:402
rents and royalties, withholding taxes ... 3:461
sales contracts, escalation clauses in ... 3:255
Phillips Case, natural gas regulation ... 3:386; 3:416
Pipe Lines
Alberta Gas Trunk Line ... 3:369; 3:393
Britamoil Pipeline ... 3:393
case law ... 3:373; 3:395
consumer lines ... 3:414
constitutional law, case for federal jurisdiction ... 3:394; 3:402
definition, statutory ... 3:372
extra-provincial ... 3:368
federal legislation ... 3:370
functions ... 3:412
gathering lines ... 3:413
provincial legislation ... 3:369
service lines ... 3:414
United States problems ... 3:376; 3:384; 3:415
Planning of estates ... 3:225
Precedent, when other provinces' courts to be followed ... 3:156
Privative clauses ousting jurisdiction of the courts ... 3:124
Procedure
chambers, waiting period ... 2:156
costs, liability of insurer for ... 2:154; 3:154
documents, obtaining ... 2:155
in expropriation ... 2:76
interpleader, chattel mortgage proceeds ... 3:326
rules of court, revision of ... 3:50
seizures, private sale ... 2:156
Prorationing, oil and gas ... 3:379
Public policy, receivership, Crown employee ... 3:154

Quasi-contract, unjust enrichment ... 3:293

Real estate agents, see Agency.
Realism, legal, Scandinavian ... 2:58
Receivership, Crown employee ... 3:154
Registrar, ,see Torrens System.
Rent, distraint for ... 2:153
Res gesta, statement of intention as ... 3:299
Restitution ... 3:344; 3:362
Roytalies, withholding taxes ... 3:461
Rules of court, revision of ... 3:50

Sale of land, option for, and perpetuities rule ... 3:332
Scandinavian legal realism ... 2:58
Security, chattel mortgage as ... 3:143
Seizure, private sale after ... 2:156
Self-defence and manslaughter 3:16; 3:205
Self-defence in international law ... 3:182
Settlement by insurers ... 3:250
Stare decisis, precedents from other provinces ... 3:156
Statute of Frauds, constructive trusts ... 3:343
Statutes
Bill of Rights, due process ... 3:149
British North America Act ... 3:367
Companies Act ... 3:89
conservation ... 3:378
English law, introduction into Canada ... 3:262; 3:278
export of gas ... 3:379; 3:405
Guarantees Acknowledgment Act ... 2:157
Insurance Act, liability of insurer for costs ... 2:154; 3:154
Judicature Act, mortgages, security for ... 3:143
limiting time for bringing actions ... 2:95
National Energy Board Act ... 3:372
pipe lines ... 3:369; 3:370; 3:394
prorationing ... 3:379
rules of court, revision of ... 3:50
Survival of Actions Act ... 3:197; 3:202
Unconscionable Transactions Act ... 3:312
utilities ... 3:380
Vehicles and Highway Traffic Act 2:113
Survival of Actions ... 3:197; 3:202

Taxation of estates ... 3:225
Taxation, income tax, petroleum and natural gas industry ... 2:18; 3:215
Theft by bailee, liability of owner for use of auto ... 2:113
Torrens System
assurance fund ... 3:133
correction of errors between immediate parties ... 2:126
correction of errors, limitation of actions ... 2:133
course on ... 3:117
mortgages, forged ... 3:133
Torts
negligent statements ... 3:318
volenti non fit injuria, passenger in auto ... 3:157
Trade and commerce, see British North America Act, 1867.
Trust
breach of ... 2:153
constructive ... 3:342; 3:360
disclaimer by life tenant, effect of ... 3:330
income of trust, withholding taxes ... 3:460

Unconscionable contracts ... 3:312
Uniformity of legislation, conference on ... 3:197
University of Alberta, course on Land Titles ... 3:117
Unjust enrichment ... 3:293; 3:344; 3:347; 3:362
Utilities
gas ... 3:380
United States ... 3:384

Vehicles and Highway Traffic Act, liability of owner of auto ... 2:113
Vesting, effect of disclaimer by life tenant ... 3:330
Volenti non fit injuria, passenger in auto ... 3:157

Westspur Cases, pipelines— 3:374; 3:390; 3:399; 3:410; 3:413
Wills, effect of disclaimer by life tenant ... 3:330
Workmen's Compensation, ouster of court's jurisdiction ... 3:124

TABLE OF CASES DISCUSSED

A.-G. Ont v. Barfried Enterprises Ltd. 3:312

Bogstie Estate, in re 3:330
Burger Baron Co., in re 3:155

Calvan Consol. Oil & Gas Co. v. Manning 2:153
Credit Fancier Franco-Canadien v. Bennett 3:133

Estok v. Heguy 3:293

Farrell v. Workmen's Compensation Bd. 3:124

Goodyear Tire & Rubber Co. v. Knight 2:157
Guyton v. Lacroix 2:113

Hedley Byrne & Co. v. Heller & Partners Ltd. 3:318
Heller v. Registrar 2:126
Huron & Erie Corp. v. Fundytus 2:156

Kaup v. Imperial Oil Ltd. 2:133
Kellough & Halliburton Ltd. v. Stanley 3:153
Krook v. Yewchuk 3:145
Lang-Hodge v. Parkhill Bedding 3:326
Local 299s Hotel and Club Employees Union v. C.P.R. 2:138

More v. R. 3:306

Noah Estate, Re 2:121

Rammell v. Workmen's Compensation Bd. 3:124
R. v. Dartnell 3:329
R. v. Gonzales 3:149
R. v. Morrison 2:155
R. v. Workman 3:299

Stein v. Lehnert 3:157

Walenstein v. Stevenson 2:154; 3:154
Wright Construction Co. v. Canada Acceptance Corp. 2:156

Yates Investment Co. v. Willoughby 3:332

ALBERTA LAW REVIEW

VOLUMES 2 and 3, 1962-1964

TABLE OF CONTENTS TO VOLUMES 2 AND 3

Author, Subject-Matter and Case Indexes 480

VOLUME 2

Truth or Consequences, *A. M. Harradence* 5
Helium and its Place in the Petroleum and Natural Gas Lease, *B. G. McCombe* 9
Income Tax and the Canadian Petroleum Industry, *N. J. Stewart* 18
Limitation of Actions in Tort in Alberta, *W. F. Bowker, Q.C.* 41
Scandinavian Legal Realism, *D. J. Sherbaniuk* 58
Panel Discussion on Expropriation 76
Table of Statutory Limitations in Alberta 95
Case Comments 113
The Distribution of Legislative Power in Relation to Labour Relations, *Anton M. S. Melnyk* 143
Notes 153

VOLUME 3

The Present Status of Maitland's *Equity*, *G. H. Steer, Q.C.* 5
A Plea of Self-defence Resulting in Manslaughter, *Graham E. Parker* 16
Proposed Revision of the Rules of Court, *S. J. Helman, Q.C.* 50
Developments in English Jurisprudence, 1953-1963, *C. R. B. Dunlop* 63
The Logical Basis of the Doctrine of Election in Contract, *James E. Redmond* 77
Symposium on the Revised Draft Uniform Companies Act 89
The Issuing of Shares in a Private Company, *G. H. Rose* 109
The Course in Land Titles at the University of Alberta, *A. R. Thompson* 117
Case Comments 124
Notes 153
Correspondence 159
Obituary 161
The Citizen's Rights Against the Modern State and its Responsibilities to Him, *Sir Guy Powles* 164
ADIZ, International Law, and Contiguous Airspace, *Ivan L. Head* 182
The Uniform Survival of Actions Act, *W. F. Bowker, Q.C.* 197
Survival of Claims for Loss of Expectation of Life, *J. H. Laycraft* 202
Verdicts of Manslaughter—An Addendum, *Graham E. Parker* 205

The Taxation of Canada's Petroleum Industry—Revisited, *N. J. Stewart* 215
Estate Planning, *F. E. Labrie* 225
Settlement, the Insurers' Dilemna, *Darrell T. Braidwood* 250
Escalation Clauses in Gas Purchase Contracts, *V. Milton Taylor* 255
The Introduction of English Law into Alberta 262
Table of English Statutes in Force in Canada, *J. E. Côté* 278
Case Comments 293
Notes 326

PETROLEUM LAW SUPPLEMENT

FIRST SEMINAR, 1962

Fiduciary Duties in Oil and Gas Transactions

Types of Relationships Arising in Oil and Gas Agreements, *E. M. Bredin, Q.C.* 333
The Scope of the Fiduciary Relationship, *John B. Ballem* 349
Duties Arising Outside of the Fiduciary Relationship, *Robert C. Muir* 359

SECOND SEMINAR, 1963

Constitutional Law Problems in Canadian Oil and Gas Legislation

The Background, *Glen W. Acorn* 367
The Federal Case, *G. A. Holland* 393
Provincial-Federal Co-operation, *D. E. Lewis, Q.C.* 412

THIRD SEMINAR, 1964

Canadian Income Tax Law Affecting the Petroleum Industry

The Depletion Allowance Relative to an Oil and Gas Resource Under Canadian Income Tax Law, *N. J. Stewart* 424
Withholding Taxes, *M. E. Jones, Q.C.* 449
Mergers and Amalgamations, *G. H. Allen, Q.C.* 463